



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/974,710	10/09/2001	Peggy-Jean P. Flanigan	55526US003	7863
32692	7590	03/02/2004	EXAMINER	
3M INNOVATIVE PROPERTIES COMPANY			SIMONE, CATHERINE A	
PO BOX 33427			ART UNIT	
ST. PAUL, MN 55133-3427			PAPER NUMBER	
			1772	

DATE MAILED: 03/02/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/974,710

Applicant(s)

FLANIGAN ET AL.

Examiner

Catherine Simone

Art Unit

1772

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 October 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-8, 10-17, 19-23 and 25-67 is/are pending in the application.
- 4a) Of the above claim(s) 36-52 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-8, 10-17, 19-23, 25-28, 30, 31, 33-35, 53-58 and 63-66 is/are rejected.
- 7) ☒ Claim(s) 29, 32, 59-62 and 67 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2/5/03.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Withdrawn Rejections

1. The objection of claim 24 under 37 CFR 1.75(c) of record in previous Office Action mailed 2/13/03, Page 2, Paragraph #2 has been withdrawn due to the Applicant's amendment filed 10/8/03.
2. The 35 U.S.C. 112 rejection of claims 1-35 and 53-55 of record in previous Office Action mailed 2/13/03, Page 3, Paragraph #4 has been withdrawn due to the Applicant's amendment filed 10/8/03.
3. The 35 U.S.C. 102 rejection of claims 1-9, 11 and 18-20 as being anticipated by Goepfert et al. of record in previous Office Action mailed 2/13/03 has been withdrawn due to the Applicant's amendment filed 10/8/03.
4. The 35 U.S.C. 103 rejection of claims 10, 12, 14 and 15 over Goepfert et al. in view of Hata of record in previous Office Action mailed 2/13/03 has been withdrawn due to the Applicant's amendment filed 10/8/03.
5. The 35 U.S.C. 103 rejection of claims 13, 16 and 17 over Goepfert et al. in view of Sher et al. of record in previous Office Action mailed 2/13/03 has been withdrawn due to the Applicant's amendment filed 10/8/03.
6. The 35 U.S.C. 103 rejection of claim 21 over Goepfert et al. in view of Calhoun et al. of record in previous Office Action mailed 2/13/03 has been withdrawn due to the Applicant's amendment filed 10/8/03.

Repeated Objections/Rejections

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

8. **Claims 22, 24, 26 and 27** are rejected under 35 U.S.C. 102(b) as being anticipated by Goepfert et al. (2,667,436).

Regarding **claim 22**, Goepfert et al. discloses at least one pressure sensitive adhesive layer (Fig. 3, #2) comprising a first major surface and a second major surface, wherein the first major surface is a structured surface and the second major surface is a non-structured surface; and a cap layer (Fig. 3, #3) in contact with the first major surface. Regarding **claim 26**, note a backing (Fig. 3, #1) adjacent the second major surface. Regarding **claim 27**, note the cap layer is a structured layer (Fig. 3, #3).

9. **Claims 28, 30, and 33-35** are rejected under 35 U.S.C. 102(b) as being anticipated by Calhoun et al. (5,888,650).

Calhoun et al. discloses a laminate article comprising a first adhesive layer (Fig. 6a, #600) having a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface (Fig. 6a, #610), and a second adhesive layer (Fig. 6a, #600) having a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface (Fig. 6a, #610). Regarding **claim 30**, note a backing (Fig. 6a, #620) on the second major surface (Fig. 6a, #630) of the second

Art Unit: 1772

adhesive layer (Fig. 6a, #600). Regarding **claim 33**, note a backing layer (Fig. 6a, #620) on the second major surface (Fig. 6a, #630) of the first adhesive layer (Fig. 6a, #600). Regarding **claim 34**, note the first adhesive layer (Fig. 6a, #600) has a first pattern of structures (Fig. 6a, #610) on the first major surface thereof and the second adhesive layer (Fig. 6a, #600) has a second pattern of structures (Fig. 6a, #610) on the first major surface thereof, and wherein the first pattern is substantially aligned with the second pattern. Regarding **claim 35**, the first pattern (Fig. 6c, #615) is misaligned with the second pattern (Fig. 6c, #615).

10. **Claims 53-55** are rejected under 35 U.S.C. 102(b) as being anticipated by Calhoun et al. (5,087,494).

Calhoun et al. discloses an article comprising at least one first layer (Fig. 1, #12) with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface (Fig. 1, #14); and a cap layer (Fig. 1, #18) in contact with a structured surface of the first layer, wherein the cap layer comprises an adhesive (see col. 6, line 24) having a non-structured exposed surface (Fig. 1, #18). Regarding **claim 54**, the cap layer (Fig. 1, #18) is non-structured on both surfaces. Regarding **claim 55**, the first layer comprises a polymeric film (see col. 3, lines 61-63).

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. **Claim 25** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goepfert et al. (2,667,436) in view of Hata (WO 97/33946).

Goepfert et al. discloses at least one pressure sensitive adhesive layer (Fig. 3, #2) comprising a first major surface and a second major surface, wherein the first major surface is a structured surface and the second major surface is a non-structured surface; and a cap layer (Fig. 3, #3) in contact with the first major surface. However, Goepfert et al. fails to disclose a peel strength of at least 21-42 oz/0.5inch. Hata teaches that it is old and well-known in the analogous art to have a peel strength of at least 21-42 oz/0.5 inch (see page 14, lines 17-30) for the purpose of producing an article having at least one adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have a peel strength of at least 21-42 oz/0.5 inch in Goepfert et al. as suggested by Hata in order to produce an article having at least one adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface.

13. **Claim 23** is rejected under 35 U.S.C. 103(a) as being unpatentable over Goepfert et al. (2,667,436) in view of Calhoun et al. (5,888,650).

Goepfert et al. discloses at least one pressure sensitive adhesive layer (Fig. 3, #2) comprising a first major surface and a second major surface, wherein the first major surface is a structured surface and the second major surface is a non-structured surface; and a cap layer (Fig. 3, #3) in contact with the first major surface. However, Goepfert et al. fails to disclose the second major surface being a structured surface. Calhoun et al. teaches in the analogous art a second

Art Unit: 1772

major surface of an adhesive layer being a structured surface (Fig. 1d, #100) for the purpose of producing an article with an adhesive layer having a first major surface and a second major surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have modified the second major surface of the adhesive layer in Goepfert et al. with a structured surface as suggested by Calhoun et al. in order to produce an article with an adhesive layer having a first major surface and a second major surface.

14. **Claim 31** is rejected under 35 U.S.C. 103(a) as being unpatentable over Calhoun et al. (5,888,650) in view of Goepfert et al. (2,667,436).

Calhoun et al. discloses a laminate article comprising a first adhesive layer (Fig. 6a, #600) having a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface (Fig. 6a, #610), and a second adhesive layer (Fig. 6a, #600) having a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface (Fig. 6a, #610). However, Calhoun et al. fails to disclose a cap layer on the first major surface of the first adhesive layer. Goepfert et al. teaches in the analogous art a cap layer (Fig. 3, #3) on the first major surface of an adhesive layer for the purpose of producing a pressure-sensitive adhesive article.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the first major surface of the first adhesive layer in Calhoun et al. with a cap layer as suggested by Goepfert et al. in order to produce a pressure-sensitive adhesive article.

Allowable Subject Matter

15. Claims 29 and 32 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or suggest a non-structured surface of a first adhesive layer contacting a structured surface of a second adhesive layer.

New Objections/Rejections

Claim Objections

16. Claims 59-62 and 67 are objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. New claims 59-62 read the same as original claims 14-17. New claim 67 reads the same as original claim 15. Therefore, new claims 59-62 fail to further limit claims 12 and 13 and new claim 67 fails to further limit claim 15.

Claim Rejections - 35 USC § 112

17. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

18. Claims 1-8, 10-17 and 19-21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation "the exposed" in line 3. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

19. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

20. **Claims 1-8 and 19-21** are rejected under 35 U.S.C. 102(b) as being anticipated by Mazurek et al. (5,650,215).

Mazurek et al. discloses an article comprising at least one adhesive layer (Fig. 3a, #6) with a first major surface (Fig. 3a, #6a) and a second major surface (Fig. 3a, #6b), wherein at least one of the first and second major surfaces is a structured surface; and a cap layer (Fig. 3a, #8) in contact with the exposed structured surface of the adhesive layer (Fig. 3a, #6b) wherein the exposed surface of the cap layer is unstructured (Fig. 3a, #8b). Regarding **claim 2**, note the cap layer is a backing (see col. 8, line 16 and see col. 17, lines 18-27). Regarding **claims 3 and 4**, note the at least one adhesive layer comprises a pressure sensitive adhesive such as silicones (see col. 15, lines 49-53). Regarding **claim 5**, note the article has a thickness of about 2 μm to about 500 μm (see col. 23, lines 50-53). Regarding **claim 6**, note the adhesive layer (Fig. 3a, #6) is a structured adhesive layer. Regarding **claim 7**, note the article further comprising at least one non-adhesive layer (Fig. 5a, #13) in contact with one of the first and second major surfaces (Fig. 5a, #12b). Regarding **claim 8**, note the article comprises a non-structured exposed surface (Figs. 5a

Art Unit: 1772

and 5c, #8b). Regarding **claim 19**, the cap layer is a laminate (see col. 11, lines 3-9 and col. 17, lines 23-36). Regarding **claim 20**, note the second major surface is a non-structured surface (Fig. 5a, #12b), the cap layer (Fig. 5a, #8a) contacts the first major surface (Fig. 5a, #12a), and wherein the article further comprises a backing layer (Fig. 5a, #13) on the second major surface (Fig. 5a, #12b). Regarding **claim 21**, note the second major is a structured surface (Fig. 5a, #12a), the cap layer (Fig. 5a, #13) contacts the first major surface (Fig. 5a, #12b), and wherein the article further comprises a backing layer (Fig. 5a, #8a) on the second major surface (Fig. 5a, #12a).

21. **Claims 56-58** are rejected under 35 U.S.C. 102(b) as being anticipated by Hata (WO 97/33946).

Hata discloses at least one adhesive layer (Fig. 1b, #10) with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface (Fig. 1b, #12), and the structure surface comprises a plurality of discrete reservoirs (Fig. 1b, #4), wherein the volume of each is less than about 20 nL (see page 7, line 21 and page 10, lines 30-32). Regarding **claim 57**, note each reservoir has a void volume of less than about 4L (see page 10, lines 30-32). Regarding **claim 58**, note the reservoirs contain at least one deliverable or non-deliverable substance (see page 3, lines 6-12).

22. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an

international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

23. **Claims 63-65** are rejected under 35 U.S.C. 102(e) as being anticipated by Sher et al. (6,197,397).

Sher et al. discloses at least one adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface (see col. 33, lines 49-64), and the structure surface comprises a plurality of channels filled with a deliverable or non-deliverable substance (see col. 8, lines 55-58). Regarding **claim 64**, note the at least one deliverable or non-deliverable substance is antifungal agents (see col. 5, lines 20-37). Regarding **claim 65**, note the at least one deliverable or non-deliverable substance is in the form of liquids (see col. 8, lines 55-58).

Claim Rejections - 35 USC § 103

24. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

25. **Claims 10,12,14, 15 and 66** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazurek et al. (5,650,215) in view of Hata (WO 97/33946).

Mazurek et al. discloses an article comprising at least one adhesive layer (Fig. 3a, #6) with a first major surface (Fig. 3a, #6a) and a second major surface (Fig. 3a, #6b), wherein at least one of the first and second major surfaces is a structured surface; and a cap layer (Fig. 3a,

#8) in contact with the exposed structured surface of the adhesive layer (Fig. 3a, #6b) wherein the exposed surface of the cap layer is unstructured (Fig. 3a, #8b). However, Mazurek et al. fails to disclose the article comprising a plurality of discrete reservoirs, each reservoir having a void volume of less than 100 μ l and containing at least one deliverable or non-deliverable substance. Hata teaches in the analogous art a plurality of discrete reservoirs (Fig. 1a, #4), each reservoir having a void volume of less than 100 μ l (see page 7, lines 21-23) and containing at least one deliverable or non-deliverable substance (see page 3, lines 1-12) for the purpose of producing an article having at least one adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided a plurality of discrete reservoirs, each reservoir having a void volume of less than 100 μ l and containing at least one deliverable or non-deliverable substance in Mazurek et al. as suggested by Hata in order to produce an article having at least one adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface.

26. **Claims 11, 13, 16 and 17** are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazurek et al. (5,650,215) in view of Sher et al. (6,197,397).

Mazurek et al. discloses an article comprising at least one adhesive layer (Fig. 3a, #6) with a first major surface (Fig. 3a, #6a) and a second major surface (Fig. 3a, #6b), wherein at least one of the first and second major surfaces is a structured surface; and a cap layer (Fig. 3a, #8) in contact with the exposed structured surface of the adhesive layer (Fig. 3a, #6b) wherein the exposed surface of the cap layer is unstructured (Fig. 3a, #8b). However, Mazurek et al. fails

Art Unit: 1772

to disclose a plurality of channels containing at least one deliverable or non-deliverable substance. Sher et al. teaches that it is old and well-known in the analogous art to have a plurality of channels containing at least one deliverable or non-deliverable substance (see col. 5, lines 33-37) for the purpose of producing an article having at least one adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the applicant's invention was made to have provided the channels in Mazurek et al. with at least one deliverable or non-deliverable substance as suggested by Sher et al. in order to produce an article having at least one adhesive layer with a first major surface and a second major surface, wherein at least one of the first and second major surfaces is a structured surface.

Response to Arguments

27. Applicant's arguments filed 10/8/03 have been fully considered but they are not persuasive. Regarding claims 22, 24, 26 and 27, Applicant argues that "Goepfert et al. does not disclose a cap layer. Fig. 3, #3 is a protective sheet that is removed so that the adhesive can be adhered to a surface. The cap layer of the invention is an integral part of the article and is defined on page 10, lines 7-9 as "preferably a substantially continuous layer that can be, for example, a structured or non-structured backing, a structured or non-structured adhesive layer, a membrane, or the like." Further, the term "backing" refers to a thin sheet, which, after being placed in intimate contact with the adhesive, cannot be subsequently removed without damaging adhesive coating" (See page 10, lines 16-19). The cap layer of the invention is permanently attached to the

adhesive and is generally not removable from it without damaging the adhesive coating." In response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the features upon which applicant relies (i.e., "the cap layer is *permanently attached* to the adhesive and is generally not removable from it without damaging the adhesive coating") are not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 28, 30 and 33-35, Applicant argues that Calhoun ('650) discloses a laminate with a non-adhesive carrier web between the two adhesive layers. The adhesives are thermomorphing and will form into structured adhesives upon heating. The present invention claims two structured adhesive layers laminated together (See Figures 5C, 6A-C and 12A-C)." Again, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that the feature upon which applicant relies (i.e., "two structured adhesive layers *laminated together*") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Regarding claims 53-55, Applicant argues that "In Figure 1, Calhoun ('494) describes an adhesive layer 18 that is coated onto a disposable carrier web 12 having dimples 14. The disposable carrier web has a low adhesive face (col. 6, line 44) so that the adhesive can be removed from it. In contrast to the disclosure of Calhoun ('494), the cap layer of the present invention is permanently attached to the structured surface." Again, in response to applicant's argument that the references fail to show certain features of applicant's invention, it is noted that

Art Unit: 1772

the feature upon which applicant relies (i.e., "the cap layer is *permanently attached* to the structured surface") is not recited in the rejected claim(s). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Conclusion

28. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).


A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Catherine Simone whose telephone number is (571)272-1501. The examiner can normally be reached on 9:30-6:00.

Art Unit: 1772

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on (571) 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Catherine Simone
Examiner
Art Unit 1772
February 17, 2004


HAROLD PYON
SUPERVISORY PATENT EXAMINER
1772

2/20/04